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# California Regional Water Quality Control Board

## Los Angeles Region

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Miles Rosedale  
Monrovia Nursery Company  
18331 E. Foothill Boulevard  
P.O. Box 1385  
Azusa, CA 91702

### CONDITIONAL CERTIFICATION FOR PROPOSED MONROVIA NURSERY SPECIFIC PLAN PROJECT (Corps' Project No. 2002-00216-AOA), SAN GABRIEL RIVER, CITY OF AZUSA, LOS ANGELES COUNTY (File No. 03-065)

Dear Mr. Rosedale:

Regional Board staff has reviewed your request on behalf of the Monrovia Nursery Company for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 15, 2003.

I hereby certify that any discharge from the Monrovia Nursery Specific Plan (MNSP) Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits. Finally, this certification does not foreclose the imposition of appropriate penalties for failure to obtain this certification prior to commencement of work.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

\_\_\_\_\_  
[Original signed by]  
Dennis A. Dickerson  
Executive Officer

\_\_\_\_\_  
[September 30, 2003]  
Date

### California Environmental Protection Agency

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

## **DISTRIBUTION LIST**

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## ATTACHMENT A

### Project Information

File No. **03-000**

1. Applicant: Miles Rosedale  
Monrovia Nursery Company  
18331 E. Foothill Boulevard  
P.O. Box 1385  
Azusa, CA 91702  
  
Phone: (626) 334-9321      Fax: (626) 334-3126
2. Applicant's Agent: Beth Jolie Martinez  
Vandermost Consulting Services, Inc.  
27312 Calle Arroyo  
San Juan Capistrano, CA 92675  
  
Phone: (949) 489-2700 x 205      Fax: (949) 489-0309
3. Project Name: Monrovia Nursery Specific Plan
4. Project Location: Azusa, Los Angeles County  
  
Longitude: 117.894°  
Latitude: 34.138°
5. Type of Project: Residential development
6. Project Description: *Purpose:*  
The purpose of the proposed development is for the construction of a residential development.  
  
*Description:*  
The Monrovia Nursery Specific Plan encompasses approximately 500 acres. The majority of the site has been farmed as a wholesale nursery for over 50 years. The proposed project will consist of 1,250 residential dwelling units and 30,000-50,000 square feet of commercial use, on approximately 320 acres. The remaining 180 acres will be designated as natural open space.

## ATTACHMENT A

### Project Information File No. 03-000

Approximately 0.031 acres of waters of the United States will be impacted by the proposed development.

#### *Drainage 1:*

This drainage is located off-site and will be temporarily impacted during grading operations. The drainage is approximately 500 feet long and 25 feet wide. The area within this drainage to be impacted is approximately 0.02 acres. Approximately 0.29 acres of the drainage will be revegetated following construction activities.

#### *Drainage 2:*

Drainage 2 is an unvegetated concrete drain which conveys flow from the natural upstream Beatty Canyon into the existing Beatty Detention Basin. The area within this drainage to be impacted is approximately 0.01 acres.

#### *Drainage A:*

Drainage A is a small section of streambed approximately 1 foot in width, which begins off-site in the northwest portion of the development area. The area within this drainage to be impacted is approximately 0.005 acres.

The MNSP minimizes impacts to jurisdictional waters on-site and preserves a significant portion of waters of the United States. Implementation of the MNSP will require impacts to 0.03 acres, of which 0.02 are temporary in nature. The project avoids impacts to foothill drainages (5.56 acres), on-site detention basins, and the isolated wetland in the northeast portion of the property.

- |   |  |
|---|--|
| 7. Federal<br>Agency/Permit:  | U.S. Army Corps of Engineers<br>NWP No.39 (Permit No. 2002-00216-AOA)  |
| 8. Other Required<br>Regulatory Approvals:                          | California Department of Fish and Game<br>Streambed Alteration Agreement (Notification No. R5-2003-0166)   |
| 9. California<br>Environmental Quality<br>Act (CEQA)<br>Compliance: | The City of Azusa approved the project's Final Environmental Impact Report on February 18, 2003. A Notice of Determination was filed on February 19, 2003. |

## ATTACHMENT A

### Project Information

File No. **03-000**

- |  |   |
|--|---|
| 10. Receiving Water:   | San Gabriel River (Hydrologic Unit No. 405.42)  |
| 11. Designated Beneficial Uses:                                      | MUN, IND, PROC, AGR, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE  |
| 12. Impacted Waters of the United States:                            | <p>Non-wetland waters (vegetated streambed): 0.017 temporary and 0.005 permanent acres</p> <p>Non-wetland waters (unvegetated streambed): 0.009 temporary acres</p>   |
| 13. Dredge Volume:   | None  |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.  |
| 15. Avoidance/Minimization Activities:                               | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none"><li>• Visual monitoring of runoff shall be conducted to detect erosion;</li><li>• Temporary runoff diversion structures shall be constructed, as necessary, to limit severe erosion and protect stockpiles of earth and other construction related materials from being transported from the site by wind or water;</li><li>• In accordance with NPDES, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented to identify monitoring and soil stabilization and control practices during construction;</li><li>• Construction activities shall be curtailed during precipitation events which may result in significant runoff;</li></ul> |

## ATTACHMENT A

### Project Information

File No. **03-000**

- Trash and construction related solid waste shall be deposited into a covered receptacle to prevent contamination of rainwater;
- Excess or waste concrete may not be washed into the public way or any other drainage system; and
- Sediments and other materials may not be tracked from the site by vehicle traffic.

16. Proposed  
Compensatory  
Mitigation:

The Applicant has proposed on-site mitigation for impacts associated with the project. Temporary impacts totaling approximately 0.02 acres will be mitigated at a 1:1 ratio by reseedling or revegetating the impacted areas. Mitigation for permanent impacts totaling approximately 0.02 acre will occur at a 3:1 ratio for a total of no less than 0.06 acre. The proposed mitigation for permanent impacts will occur in a 9-acre arroyo/riparian corridor.

## ATTACHMENT B

### Conditions of Certification File No. 03-065

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.

## ATTACHMENT B

### Conditions of Certification File No. 03-065

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. No activities shall take place in any area where there is potential for any rare, threatened, or endangered species prior to completion of a formal or informal consultation with the responsible wildlife agencies. Upon completion of the consultation with the U.S. Fish and Wildlife Service, or other appropriate agencies, the Applicant shall submit a copy of the consultation results to this Regional Board. Any conditions required by the approving agency for the protection of any protected species shall be incorporated into this certification.
9. The Applicant shall not conduct any activities within waters of the state during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within **five (5) days** of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.

## ATTACHMENT B

### Conditions of Certification File No. 03-065

10. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
11. All maintenance activities not included in this certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional certification action.
12. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
13. The Applicant shall restore the proposed **0.03 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.

## ATTACHMENT B

### Conditions of Certification File No. 03-065

14. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal loss of **0.02 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum 3:1 area replacement ratio (0.06 acres).
15. Mitigation shall be maintained in perpetuity, use primarily native plants, not receive any credit as water treatment system, and be capable of ensuring a “no net loss” of wetlands functions and values within 5 years. All compensatory mitigation associated with this project shall maintain compliance with the U.S. Army Corps of Engineers Regulatory Guidance letter No. 02-2 dated December 24, 2002. Annual reporting shall be completed as described below. No exemptions for existing projects to this condition are available without prior written approval.
16. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year of starting the project.
17. The Applicant shall submit Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project area. Additionally, the Applicant shall submit a site description, including dimensions of project areas, and pre and post- project photographs.
18. The project proponent shall submit an **Annual Report** by **January 1** each year. The report shall describe in detail all activities actually performed during the previous year within the project area. This report shall include as a minimum, the following documentation:
  - (a) Color aerial and representative cross-section photo documentation of the pre- and post-project areas;
  - (b) The overall status of project including a detailed schedule of work;
  - (c) Copies of all permits as required in Additional Condition 1;
  - (d) Water quality monitoring results compiled in an easy to interpret format;
  - (e) A certified statement from the permittee or his/her representative that all conditions of this Certification have been met.
19. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1<sup>st</sup>** of each year documenting all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative pre and post photographs from designated stations shall be included in the reports. The reports shall be

**Conditions of Certification**  
**File No. 03-065**

20. All applications, reports, or information submitted to the Regional Board shall be signed:
  - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
  - (b) For a partnership, by a general partner;
  - (c) For a sole proprietorship, by the proprietor;
  - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
21. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_ (Signature)  
\_\_\_\_ (Title)''

- 5 of 7

## ATTACHMENT B

### Conditions of Certification File No. 03-065

24. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
25. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
26. The Applicant or their agents shall report any noncompliance, which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
27. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

## **ATTACHMENT B**

### **Conditions of Certification File No. 03-065**

- (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
28. This certification shall expire **five (5) years** from the date of signature. The Applicant may request a renewal of this certification 180 days prior to its termination if the project as described has not been completed. Renewals are subject to additional filing fees, and will require Regional Board approval.